

Hon. E. BLAKE (to Mr. Hutchison): It cannot be taken from them, nor from me, as acquiescence. I may say that from the demeanour, intelligence, and knowledge of a witness perhaps no great weight would be attached to his evidence.

Mr. Gully: It seems to be obvious that any cross-examination in some cases would not be of any great assistance to the Court. The witnesses have spoken to a certain number of alleged facts, therefore I do not think the cross-examination will assist you, sir, to any appreciable extent.

Hon. E. BLAKE: You take your own course. I cannot see that it involves any admission of yours to the other side. I do not think Mr. Hutchison can complain of your not cross-examining.

Mr. Hutchison: We may ask your Honour for permission to recall a witness on a certain point.

Hon. E. BLAKE: Do I understand that if the other side does not cross-examine therefore you will desire to recall a witness.

Mr. Hutchison: Where the evidence has been given short.

Hon. E. BLAKE: It has been given at some length, and is subject to all the usual grades of testimony with reference to fairness, intelligence, and capacity of judging evidence. I think the fair assumption is that the witness, if he had given it at length, would have given it in the same strain. That is the inference I should have drawn.

Mr. Gully: I do not think I shall be called upon to contest that inference. I might suggest that perhaps we ought to have agreed in the first instance where the witnesses were speaking of a certain set of facts which we might have accepted.

Hon. E. BLAKE: I do not think either side has reason to complain. You are best able to judge of your witnesses, and must take the risk.

Mr. Gully: I desire again to say that we have had no particulars, either under clause 33 or as to the timber-claims. I have endeavoured during the course of this inquiry—and I am sure you will agree with me that I have—to facilitate the proceedings of the other side. We have throughout, not only before these proceedings began but up to the present time. I do not say we have met with intentional obstruction, but we have not been accorded the reasonable grounds upon which the company comes here with anything like particularity. Here we are at this stage of the sitting without any indication whatever of the details upon these timber-claims, or those under clause 33. I must say this: that I think we might be excused if we are to some extent, I may say, exasperated by the utter absence of reasonable notice with reference to the matters now before you. I apprehend that it is probable my friends will to-day give evidence under the timber-rights. And whether they do so or not we might surely have had something like a detail of the claim we had to meet. We have not had the least notice as to why they claim under this head; as to where the locality is in respect of which they claim to make the Crown liable; nor even as to the ground of the claim—that is to say, where it is suggested, as I put it before, whether the licensees of the Crown had been going beyond their rights, or that the Crown itself has become a trespasser. I take leave to say at this stage that we have endeavoured to meet the other side as far as possible; and I also take leave to say that not only are we embarrassed, but the Court must be embarrassed, and I think it is a matter that we ought to put emphatically to the Court, that we have not received anything approaching the notices we ought to receive of the various grounds of claim which have been handed in from time to time, not before but during the course of this inquiry.

Mr. Hutchison: I understood that there are only two requisitions outstanding—that is, the timber particulars and the particulars in one of the paragraphs under the second reference as to the block for which the titles were withheld. We have given particulars as to clause 33. We have given particulars of those.

Mr. Gully: I was not aware of it.

Mr. Hutchison: Then, my friend was speaking without knowledge. As to the timber, we were all last night engaged in getting out particulars of the blocks, and the names of persons, and so on, and I regret that the list is not in my friend's hands. It is being written out; and the same may be said as to the particulars of blocks in reference to which the titles are withheld. When these two things are done he will have no grievance left, for which, I am sure, he will be sorry.

Hon. E. BLAKE: Well, I hope there will be no occasion for any exasperation to be shown. I must say that I am very strongly impressed with the idea that there might have been greater diligence, not since the witnesses came here, but to give some general appreciation of what was to be considered by the other side. I shall have to consider the consequences of that when the matter comes before me. But everything does point to the necessity of this information being supplied by the company at the earliest possible moment. Do not wait if you have three-fourths of the information this morning, but let me have the other fourth this afternoon, so that the other side can begin at once on the evidence you have to present to them. We are now, I understand, to be engaged on the cross-examination of witnesses whose evidence has been deferred.

THOMAS FREDERICK FENTON cross-examined.

1. Mr. Stringer.] I wish to ask you a question or two about the land in the hatched portions of this plan that you have shown us. You have told us in respect of certain portions that it is fairly good land on the hatched portions in parts?—Yes.

2. Can you give us an opinion as to the description of the land in reference to the hatched portion?—Taking the greater portion of it, it is bush land.

3. On terraces, I suppose?—Yes, on terraces.

4. And with mountainous parts?—Some of it is mountainous, but it is mostly hills and terraces. Along the rivers there are flats.

5. But you, I suppose, agree with what we have heard before—that the flats along the river sides should be reserved for mining purposes?—Not in some of the flats. Take Arnold Flat, for instance, that is a very large flat, and there is no mining at all going on. Some of the other flats we have allowed.